

HOUSE BILL No. 1645

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-4-19; P.L.195-2001, SECTION 15.

Synopsis: Evansville state hospital property. Provides that local zoning ordinances and requirements relating to municipal roads and streets do not apply to certain property in Vanderburgh County. Requires the conveyance of certain Evansville State Hospital property to the city of Evansville and certain other grantees. Requires the department of transportation to work with the city of Evansville and other persons for establishment of a greenway system connecting to the Evansville State Hospital property.

Effective: July 1, 2003.

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January 16, 2003, read first time and referred to Committee on Ways and Means.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1645

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-1-4-19, AS ADDED BY P.L.195-2001,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 19. (a) **As used in this section, "subject
4 property" refers to the property in Vanderburgh County within
5 the Northwest Quarter of Section 26, Township 6 South, Range 10
6 West.**

7 (b) An ordinance of a unit that regulates the parking of motor
8 vehicles is not applicable ~~in Vanderburgh County within the Northwest~~
9 ~~Quarter of Section 26, Township 6 South, Range 10 West.~~ **subject**
10 **property.**

11 (c) **A zoning ordinance of a unit is not applicable within the**
12 **subject property.**

13 (d) **Any requirements for municipal roads or streets do not**
14 **apply to a road or street within the subject property.**

15 SECTION 2. P.L.195-2001, SECTION 15, IS AMENDED TO
16 READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: SECTION 15. (a)
17 As used in this SECTION, "commissioner" refers to the commissioner



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of the Indiana department of administration.

(b) As used in this SECTION, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

(c) As used in this SECTION, "phase I grantee" refers to a person designated by the commissioner to be a grantee of the phase I real estate.

(d) As used in this SECTION, "phase II grantee" refers to a person designated by the commissioner to be a grantee of the phase II real estate.

(e) As used in this SECTION, "historic building" refers to any of the following buildings located on the grounds of Evansville State Hospital:

(1) The auditorium.

(2) The bakery.

(3) The castle.

(4) The Phantom Theatre.

(d) As used in this SECTION, "phase I tract I real estate" refers to the real property located in Section 26, Township 6 South, Range 10 West of the Second Principal Meridian, Vanderburgh County, Indiana, owned by the state of Indiana, and designated by the commissioner under subsection (u) for transfer to a phase I grantee. **Preservation Park, Inc. The real property designated under this subsection must include all the historic buildings and as much of the real property surrounding the historic buildings that the commissioner and Preservation Park, Inc., agree are appropriate for use with the historic buildings. The real property transferred under this subsection may not include any real property described in subsection (u).**

(e) As used in this SECTION, "phase II tract II real estate" refers to the real property located in Section 26, Township 6 South, Range 10 West of the Second Principal Meridian, Vanderburgh County, Indiana, owned by the state of Indiana, and designated by the commissioner under subsection (u) for transfer to a phase II grantee. **the city of Evansville. The real property designated under this subsection must include all of the real property located in Section 26, Township 6 South, Range 10 West of the Second Principal Meridian, Vanderburgh County, Indiana, owned by the state of Indiana, except the following real property:**

(1) Any real property described in subsection (u).

(2) The real property determined by the commissioner and the secretary of family and social services necessary for the operation of Evansville State Hospital.

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(3) The tract I real estate.

(4) The tract III real estate.

(f) As used in this SECTION, "tract III real estate" refers to the real property located in Section 26, Township 6 South, Range 10 West of the Second Principal Meridian, Vanderburgh County, Indiana, owned by the state of Indiana and designated by the commissioner, the parks department of the city of Evansville, and the Buffalo Trace Council of the Boy Scouts of America for the Buffalo Trace Council. The real property transferred under this subsection may not include any real property described in subsection (u). The tract III real estate is real property in addition to the real property transferred to the Buffalo Trace Council under subsection (v).

(g) The governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to convey ~~phase the~~ tract I real estate to a ~~phase I grantee~~. **Preservation Park, Inc.** Except as provided in this SECTION, the conveyance of the real estate shall be made without consideration. Conveyance of the ~~phase tract~~ I real estate is subject to the following:

- (1) Use of the real estate for educational, cultural, recreational, art, or museum purposes.
- (2) The easement granted under subsection (p).
- (3) Highways, easements, and restrictions of record.

However, ~~no phase tract~~ I real estate may **not** be used for public or private housing. ~~The main building of the Evansville State Hospital may be used for public or private housing.~~

(h) The ~~phase tract~~ I real estate reverts to the state if either of the following applies:

- (1) The ~~phase tract~~ I real estate is not used for the purposes described in subsection (g)(1).
- (2) Renovation to use the real estate for purposes described in subsection (g)(1) has not begun before July 1, ~~2002~~: **2013**.

(i) The conveyance of ~~phase tract~~ I real estate must comply with IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this SECTION. The department shall have a quitclaim deed prepared to convey ~~phase tract~~ I real estate to a ~~phase I grantee~~. **Preservation Park, Inc.** The deed must state the conditions and restrictions contained in subsections (g) and (h). The commissioner and the governor shall sign the deed, and the seal of the state shall be affixed to the deed.

(j) ~~The phase I grantee~~ **Preservation Park, Inc.**, shall have the deed to the ~~phase tract~~ I real estate recorded in Vanderburgh County,

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1 Indiana.

2 (k) The governor and the commissioner are authorized and directed
3 on behalf of and in the name of the state of Indiana to convey the ~~phase~~
4 ~~tract~~ II real estate to the ~~phase H grantee: city of Evansville~~. Except as
5 provided in this SECTION, the conveyance of the real estate shall be
6 made without consideration. Conveyance of the ~~phase tract~~ II real
7 estate is subject to the following:

8 (1) Use of the real estate for educational, cultural, recreational,
9 art, museum, nonprofit housing, or social services purposes.

10 (2) Highways, easements, and restrictions of record.

11 However, ~~no phase the tract~~ II real estate ~~other than the main building~~
12 ~~of the Evansville State Hospital~~ may **not** be used for public or private
13 housing.

14 (l) The ~~phase tract~~ II real estate reverts to the state if ~~either of the~~
15 ~~following applies:~~

16 ~~(1) The phase tract~~ II real estate is not used for the purposes
17 described in subsection (k)(1).

18 ~~(2) Substantial work to use the real estate for purposes described~~
19 ~~in subsection (k)(1) has not begun before two (2) years after the~~
20 ~~date of the deed conveying the phase H real estate to the phase H~~
21 ~~grantee:~~

22 (m) The conveyance of the ~~phase tract~~ II real estate may not be
23 made until a new facility for Evansville State Hospital is completed and
24 patients are transferred to the new facility.

25 (n) The conveyance of ~~phase tract~~ II real estate must comply with
26 IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this
27 SECTION. The department shall have a quitclaim deed prepared to
28 convey ~~phase the tract~~ II real estate to a ~~phase H grantee: the city of~~
29 **Evansville**. The deed must state the conditions and restrictions
30 contained in subsections (k) and (l). The commissioner and the
31 governor shall sign the deed, and the seal of the state shall be affixed
32 to the deed.

33 (o) The ~~phase H grantee city of Evansville~~ shall have the deed to
34 the ~~phase tract~~ II real estate recorded in Vanderburgh County, Indiana.

35 (p) The governor and the commissioner are authorized and directed
36 on behalf of and in the name of the state of Indiana to grant an
37 easement through the ~~phase tract~~ I real estate to the parks department
38 of the city of Evansville for operation of a recreational greenway. The
39 location of the easement on the real estate shall be determined by the
40 department and **the** parks department of the city of Evansville. Except
41 as provided in this SECTION, the grant shall be made without
42 consideration. The easement is subject to highways, other easements,



1 and restrictions of record.

2 (q) The grant required by subsection (p) expires if the easement is
3 not used for the purposes described in subsection (p). The instrument
4 granting the easement must state the conditions and restrictions
5 contained in subsection (p) and this subsection.

6 (r) The parks department of the city of Evansville shall have the
7 easement recorded in Vanderburgh County, Indiana.

8 (s) The easement granted under subsection (p) must comply with
9 IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this
10 SECTION.

11 (t) The department shall inform the superintendent of Evansville
12 State Hospital when the conveyances and grant under this SECTION
13 have been completed.

14 (u) ~~The governor and the commissioner of the department of~~
15 ~~administration are authorized and directed on behalf of and in the name~~
16 ~~of the state to convey to a phase I or phase II grantee property described~~
17 ~~in subsection (c) or (f) tract I real estate, the tract II real estate, and~~
18 ~~the tract III real estate together consist of all the real property~~
19 ~~located in Section 26, Township 6 South, Range 10 West of the~~
20 ~~Second Principal Meridian, Vanderburgh County, Indiana, owned~~
21 ~~by the state of Indiana except the following property:~~

22 Commencing at the northwest corner of the Northeast Quarter of
23 said Section 26; thence along the west line of said quarter
24 section South 01 degrees 07 minutes 41 seconds West 248.92
25 feet to a point on the southern right-of-way line of State Road 66
26 (Lloyd Expressway) as described in a Declaration of
27 Departmental transfer recorded in Deed Drawer 1, Card 20807
28 in the office of the Recorder of Vanderburgh County, Indiana
29 and being the northwest corner of the land described in a deed to
30 the Southwestern Indiana Mental Health Center, Inc. recorded in
31 Deed Drawer 4, Card 3658 in the office of said Recorder and
32 being the POINT OF BEGINNING of this description; thence
33 continuing along the west line of said quarter section and the
34 west line of the Southwestern Indiana Mental Health Center
35 parcel South 01 degree 07 minutes 41 seconds West 316.19 feet
36 to the southwest corner of said Mental Health Center parcel;
37 thence along the south line of said Mental Health Center parcel
38 South 87 degrees 34 minutes 27 seconds East 599.96 feet; thence
39 South 01 degree 07 minutes 36 seconds West 2072.09 feet to a
40 point on the south line of the Northeast Quarter of said Section
41 26; thence along said south line North 88 degrees 46 minutes 29
42 seconds West 599.86 feet to the southeast corner of the

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1 Northwest Quarter of said Section 26; thence along the south
 2 line of said Northwest Quarter North 88 degrees 48 minutes 56
 3 seconds West 2022.00 feet to a center punched railroad spike;
 4 thence North 01 degree 11 minutes 04 seconds East 556.00 feet
 5 to a 3/4 inch rebar with cap stamped BLA FIRM 0030,
 6 hereinafter referred to as 3/4 inch rebar; thence North 56 degrees
 7 49 minutes 09 seconds East 40.07 feet to a 3/4 inch rebar; thence
 8 Northeasterly 641.79 feet along an arc to the left and having a
 9 radius of 3500.00 feet and subtended by a long chord having a
 10 bearing of North 51 degrees 33 minutes 58 seconds East and a
 11 length of 640.89 feet to a 3/4 inch rebar; thence North 46
 12 degrees 18 minutes 47 seconds East 306.50 feet to a 3/4 inch
 13 rebar; thence South 43 degrees 41 minutes 13 seconds East
 14 94.00 feet to a 3/4 inch rebar; thence North 46 degrees 18
 15 minutes 47 seconds East 32.50 feet to a 3/4 inch rebar; thence
 16 Northeasterly 155.49 feet along an arc to the right and having a
 17 radius of 785.00 feet and subtended by a long chord having a
 18 bearing of North 51 degrees 59 minutes 14 seconds East and a
 19 length of 155.23 feet to a 3/4 inch rebar and being the point of
 20 intersection with a non-tangent line; thence South 76 degrees 15
 21 minutes 26 seconds East 429.08 feet to a 3/4 inch rebar; thence
 22 North 13 degrees 44 minutes 34 seconds East 201.39 feet to a
 23 3/4 inch rebar; thence South 76 degrees 15 minutes 26 seconds
 24 East 71.33 feet to a 3/4 inch rebar; thence Easterly,
 25 Northeasterly, and Northerly 109.96 feet along an arc to the left
 26 and having a radius of 70.00 feet and subtended by a long chord
 27 having a bearing of North 58 degrees 44 minutes 34 seconds
 28 East and a length of 98.99 feet to a 3/4 inch rebar; thence North
 29 13 degrees 44 minutes 34 seconds East 248.11 feet to a 3/4 inch
 30 rebar; thence South 76 degrees 15 minutes 26 seconds East
 31 125.50 feet to a 3/4 inch rebar; thence North 13 degrees 44
 32 minutes 34 seconds East 131.01 feet to a center punched railroad
 33 spike; thence South 76 degrees 15 minutes 26 seconds East
 34 32.23 feet to a 3/4 inch rebar; thence North 13 degrees 44
 35 minutes 34 seconds East 71.72 feet to a 3/4 inch rebar; thence
 36 North 33 degrees 22 minutes 06 seconds East 127.79 feet to a
 37 3/4 inch rebar; thence North 56 degrees 37 minutes 54 seconds
 38 West 30.50 feet to a 3/4 inch rebar; thence North 32 degrees 07
 39 minutes 32 seconds East 232.29 feet to the southeast corner of
 40 the land described in a deed to the American Red Cross,
 41 Southwest Indiana Chapter recorded in Deed Drawer 13, Card
 42 1819 in the office of said Recorder; thence along the east line of

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1 said American Red Cross parcel North 03 degrees 14 minutes 46
 2 seconds East 263.43 feet to the aforescribed southern
 3 right-of-way line of State Road 66 (Lloyd Expressway); thence
 4 along said southern right-of-way line North 72 degrees 07
 5 minutes 25 seconds East 28.66 feet to the point of beginning and
 6 containing 85.478 acres, more or less.

7 (v) ~~Notwithstanding other provisions of this SECTION,~~ The
 8 governor and the commissioner are authorized and directed on behalf
 9 of and in the name of the state of Indiana to convey to the Buffalo
 10 Trace Council of the Boy Scouts of America for occupancy by the
 11 Buffalo Trace Council to be used for educational and cultural purposes,
 12 all right, title, and interest of this state in the real estate that is part of
 13 the Northwest Quarter of Section 26, Township 6 South, Range 10
 14 West, in Vanderburgh County, Indiana, more particularly described as
 15 follows:

16 Commencing at the northeast corner of said quarter section;
 17 thence north 88 degrees 51 minutes 14 seconds west along the
 18 north line of said quarter section 1281.04 feet; thence south 01
 19 degrees 09 minutes 34 seconds west 179.67 feet to the point of
 20 beginning, said point being on the south right-of-way of State
 21 Road 66 (as recorded in Deed Record 1, Card 20809 in the
 22 Office of the Recorder of Vanderburgh County, Indiana) at the
 23 center of a 50 foot opening in the limited access right-of-way;
 24 thence south 88 degrees 50 minutes 26 seconds east along the
 25 south right-of-way of State Road 66 376.20 feet; thence south 01
 26 degrees 09 minutes 34 seconds west 267.05 feet; thence north 78
 27 degrees 10 minutes 30 seconds west 382.81 feet; thence north 01
 28 degrees 09 minutes 34 seconds east 196.20 feet to the point of
 29 beginning, containing 2.00 acres (87,137 square feet). Subject to
 30 an easement 25 feet in width along the west side for ingress and
 31 egress to the State Hospital complex.

32 The Buffalo Trace Council shall cooperate with ~~phase I and phase H~~
 33 ~~grantees~~ **Preservation Park, Inc., and the city of Evansville** on issues
 34 related to the parking of motor vehicles on ~~phase the tract I~~ real estate,
 35 ~~phase the tract II~~ real estate, or ~~the~~ real estate described in this
 36 subsection.

37 (w) The governor and the commissioner of the Indiana department
 38 of administration are authorized and directed on behalf of and in the
 39 name of the state to convey to the Buffalo Trace Council of the Boy
 40 Scouts of America for ingress and egress to and from the property
 41 described in subsection ~~(u)~~ (v) an easement in the real estate that is part
 42 of the Northwest Quarter of Section 26, Township 6 South, Range 10

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West, in Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said quarter section; thence north 88 degrees 51 minutes 14 seconds west along the north line of said quarter section 1281.04 feet; thence south 01 degrees 09 minutes 34 seconds west 179.67 feet to the point of beginning, said point being on the south right-of-way of State Road 66 (as recorded in Deed Record 1, Card 20809 in the office of the Recorder of Vanderburgh County, Indiana) at the center of a 50 foot opening in the limited access right-of-way; thence continue south 01 degrees 09 minutes 34 seconds west 196.20 feet; thence north 78 degrees 10 minutes 30 seconds west 25.44 feet; thence north 01 degrees 09 minutes 34 seconds east 191.49 feet to a point on the south right-of-way line for State Road 66 and the west end of an opening in the limited access right-of-way previously described; thence south 88 degrees 50 minutes 26 seconds east along the south line of the State Road 66 right-of-way 25.00 feet to the point of beginning.

(x) Upon the taking effect of this SECTION, the commissioner of the Indiana department of administration shall have a deed prepared to convey to the Buffalo Trace Council of the Boy Scouts of America the real estate and easement described in subsections (v) and (w). The governor shall sign the deed. The deed shall be attested by the commissioner of the Indiana department of administration, who shall have the seal of the state affixed to the deed. The commissioner of the Indiana department of administration shall deliver the completed deed to the Buffalo Trace Council.

(y) The real estate described in subsections (v) and (w) revert to the state if any of the following apply:

(1) The real estate is used for a purpose other than the purposes described in subsections (v) and (w).

(2) The Buffalo Trace Council fails to use the real estate for a purpose described in subsection (v) or (w) before July 1, 2003.

(3) The real estate is vacant or abandoned on or after July 1, 2003. The provisions of this subsection shall be included in the deed.

(z) The governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to convey to the Buffalo Trace Council of the Boy Scouts of America for occupancy by the Buffalo Trace Council to be used for educational and cultural purposes, all right, title, and interest of the state in the tract III real estate. Except as provided in this SECTION, the conveyance of the tract III real estate shall be made



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1 without consideration. Conveyance of the tract III real estate is
 2 subject to the following:

3 (1) Use of the real estate for educational and cultural
 4 purposes.

5 (2) Highways, easements, and restrictions of record.

6 (aa) The tract III real estate reverts to the city of Evansville if
 7 the tract III real estate is not used for the purposes described in
 8 subsection (z).

9 (bb) The conveyance of tract III real estate must comply with
 10 IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this
 11 SECTION. The department shall have a quitclaim deed prepared
 12 to convey the tract III real estate to the Buffalo Trace Council of
 13 the Boy Scouts of America. The deed must state the conditions and
 14 restrictions contained in subsections (z) and (aa). The
 15 commissioner and the governor shall sign the deed, and the seal of
 16 the state shall be affixed to the deed.

17 (cc) The Buffalo Trace Council of the Boy Scouts of America
 18 shall have the deed to the tract III real estate recorded in
 19 Vanderburgh County, Indiana.

20 (dd) This SECTION expires July 1, ~~2006~~ 2013.

21 SECTION 3. [EFFECTIVE JULY 1, 2003] (a) The Indiana
 22 department of transportation shall work with the city of Evansville
 23 and the Evansville Urban Transit Study to determine the most
 24 practical way to connect the grounds of the Evansville State
 25 Hospital with Wesselman Park, Wesselman Woods, and the Pigeon
 26 Creek greenway system.

27 (b) This SECTION expires July 1, 2008.

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